

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

DONALD And MARY THORNTON,

Plaintiffs,

vs.

ROLLIN VAUGHN SOWARDS; And  
PROGRESSIVE INSURANCE CO.,

Defendants.

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CASE NO.:2:06-CV-1072-MHT

**NOTICE OF ELECTION TO OPT OUT OF PROCEEDINGS**

COMES NOW Defendant Progressive Insurance Company, being sued herein solely for underinsured motorist benefits, hereby gives notice of its election to opt out of the proceedings in accord with Lowe v. Nationwide Insurance Company, 521 So.2d 1309 (Ala. 1988). In accord with applicable law, this Defendant hereby agrees that it is waiving the right to actively participate in the trial of this case. This Defendant agrees to be bound by a judgment on the merits, but does not agree to be bound by a settlement or a consent judgment of any type. This Defendant hereby requests that it be allowed to opt out of the proceedings from this point forward, in accord with Alabama procedural law, and in accord with the law set forth above.

DATED this 30th day of May, 2007.

/s/Alex L. Holtsford, Jr.  
ALEX L. HOLTSFORD, JR. (HOLO48)  
Attorney For Defendant Progressive Specialty  
Insurance Company

OF COUNSEL:  
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**CERTIFICATE OF SERVICE**

I hereby certify that I have this day mailed, postage prepaid, an exact copy of the foregoing document to:

Richard E. Crum  
COBB, SHEALY, CRUM, DERRICK  
& PIKE, P.A.  
Post Office Box 6346  
Dothan, Alabama 36302-6346

William B. Alverson, Jr.  
ALBRITTONS, CLIFTON, ALVERSON  
MOODY & BOWDEN, P.C.  
Post Office Box 880  
Andalusia, Alabama 36420

This the 30th day of May, 2007.

/s/ Alex L. Holtsford, Jr.  
OF COUNSEL